

Remarks:

Applicants have carefully studied the non-final Examiner's Action mailed 11/09/2004, having a shortened statutory period for response set to expire 02/09/2005, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicants respond to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Elections/Restrictions

1. Applicants thank the Office for acknowledging Applicants' election of Species A.
2. Applicants acknowledge the withdrawal of claims 12-16. Applicants have canceled claims 11-19.

Specification

3. The specification stands objected to because paragraphs [0089] and [0090] refer to reference numeral 38 but said reference numeral does not appear in the drawings. A corrected Fig. 3 is filed herewith to bring said Fig. 3 into conformity with said paragraphs. The reference numeral 48 in Fig. 12 is correct because said reference numeral indicates a one-way valve which is positioned in restriction 38. A minor typographical error in paragraph [0097] is also corrected.

Claim Objections

4. Claims 2 and 3 stand objected to because the recitation "said dinghy" and "the dinghy" should be "water craft." The cancellation of claim 2 renders moot the objection to said claim. However, the subject matter of canceled claim 2 now appears in claim 1, currently amended, and in said currently amended claim 1 the recitation "water craft" is used instead of "said dinghy" and "the dinghy." Claim 3 as currently amended includes the appropriate corrections.

5. Claim 8 stands objected to because the recitation "said transom" should be "said stern." This error is corrected in claim 8, currently amended.

Claim Rejections – 35 U.S.C. § 102

6. Applicants acknowledge the quotation of 35 U.S.C. § 102(b).

7. Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Garmont.

This ground of rejection is met by the current amendment to claim 1 because claim 1, currently amended, now includes the subject matter of canceled claim 2 and as such clearly defines over Garmont. Garmont neither teaches nor suggests the air scoop mounted on the bow and the airflow passageway that extends from the leading end of the air scoop to a leading end of the rigid concavity as claimed by Applicants.

8. Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ford. Reconsideration and withdrawal of this rejection is requested because, as it relates to claim 1, it is met by the current amendment to claim 1. Ford neither teaches nor suggests the air scoop and airflow passageway recited in claim 1, currently amended.

9. Regarding claim 2, air supply device 58 of Ford is not mounted on the bow as claimed by Applicant. Air supply device 58 is either a fan or an air compressor as disclosed by Ford. It is mounted in the interior of the water craft as depicted and as such clearly teaches away from a bow-mounted air scoop as disclosed only by Applicants. Applicants' bow-mounted air scoop requires no electrical power as does the air supply device of Ford. Air supply device 58 has an unnumbered scoop as pointed out by the Office, but said scoop is not bow-mounted and clearly entrains ambient air in the interior of the water carft.

10. Claims 1 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cox et al. (hereinafter "Cox"). Reconsideration and withdrawal of this ground of rejection is requested because Cox lacks an air passageway as disclosed and claimed by Applicant. The purported air scoop 21 is merely a concavity formed in the bow and it is not enclosed, *i.e.*, it is merely a physical continuation of the cavity formed in the underside of the hull. (Finish when Delphion is up)

11. Claim 11 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Cox. This claim is rendered moot by the cancellation of claim 11. Claim 11 is canceled not in view of Cox but in view of a C-I-P disclosure to be filed in the near future, said C-I-P including claims directed to the subject matte of canceled claim 11.

Claim Rejections – 35 USC § 103

12. Applicants acknowledge the quotation of 35 U.S.C. § 103(a).

13. Claims 1 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garmont in view of Arbaugh et al and Cox; reconsideration and withdrawal of this ground of rejection is requested because claim 1 as currently amended clearly defines over Garmont, Cox, and Arbaugh because said references, considered individually and as a group, lack the claimed bow-mounted air scoop of Applicants. Claim 6 depends from claim 1, currently amended, and is allowable as a matter of law upon the allowance of said claim 1.

14. Applicants acknowledge the ribs disclosed by Cox. Claim 6 depends from claim 1, currently amended, however, and is allowable as a matter of law upon the allowance of said claim 1.

15. Claims 1, 2, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ford. The cancellation of claim 2 has rendered this rejection moot as it relates to said claim 2. As it relates to claim 1, this rejection is respectfully traversed for the reasons already stated, *i.e.*, that air supply device 58 and its unnumbered air scoop are not bow-mounted. The subject matter of claim 7 is allowable as a matter of law upon the allowance of claim 1, currently amended.

16. Claims 1, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of Osmundsvaag. Reconsideration and withdrawal of this ground of rejection as it relates to claim 1 is requested in view of the amendments made to claim 1 for the reasons stated above. Claims 8 and 9 are allowable as a matter of law upon the allowance of claim 1, currently amended.

Allowable Subject Matter

17. Claims 3-5 and 10 are indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 1 as amended includes the limitations of the base claim (claim 1) and dependent claim 2 but claim 3 is not cancelled and the limitations thereof have not been added to claim 1, currently amended. No reference of record teaches or suggests a bow-mounted air scoop and for that reason the scope of Applicants' invention would be overly limited if the broadest claim thereof (claim 1) were to include a limitation to the subject matter of claim 3.

Conclusion

18. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

19. If the Office is not fully persuaded as to the merits of Applicants' position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested. Applicants thank the Office for its careful examination of this important patent application.

Very respectfully,
SMITH & HOPEN

By:

Ronald E. Smith
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

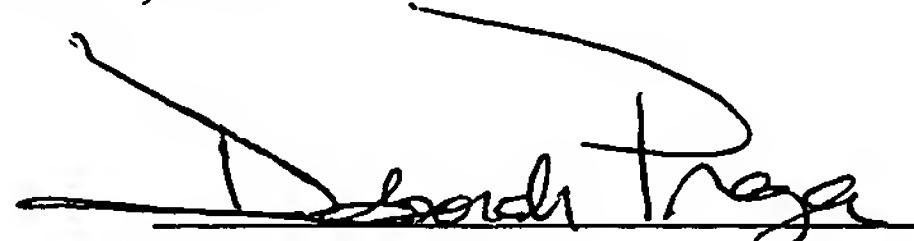
Dated: December 7, 2004

pc: Commander Robert L. Wheeler, USN, retired
Mr. Walter Crowley

CERTIFICATE OF MAILING
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, Amendments to the Drawings and Remarks, is being deposited with the United States Postal Service by First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 7, 2004.

Dated: December 7, 2004



Deborah Preza

Amendments to the Drawings:

The attached drawing pages include the following:

Replacement Sheets

Annotated Marked-up Drawings.

Application No. 10/707,590
Amendment dated 12/07/2004
Reply to Office Action mailed 11/09/2004
Annotated Sheet Showing Changes

FIG. 3

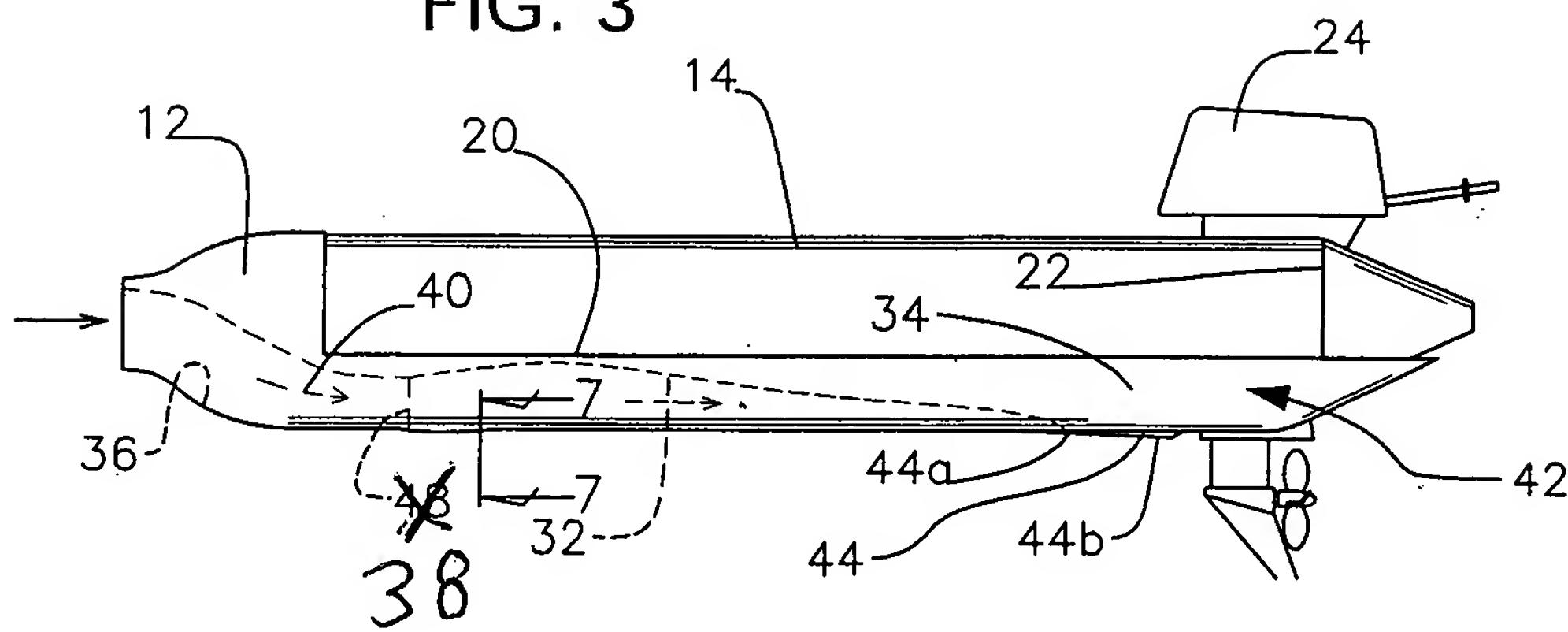


FIG. 4

